

A-6634
Variance Request

Replace an external air conditioner located in
the front (northwest) yard of the property.

Ms. Elizabeth King &
Mr. Stephen Jung
5419 Center Street

CHEVY CHASE VILLAGE
BOARD OF MANAGERS
NOVEMBER 10, 2014 SPECIAL MEETING

STAFF INFORMATION REPORT

TO: BOARD OF MANAGERS
FROM: ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR
DATE: 11/6/2014
SUBJECT: HEARING OF CASE NO. A-6634 VARIANCE REQUEST
MS. ELIZABETH KING & MR. STEPHEN JUNG
REPLACE AN EXTERNAL AIR CONDITIONER LOCATED IN THE FRONT (NORTHWEST) YARD OF THE
PROPERTY.

NOTICE REQUIREMENTS: Abutting Owners; Public Notice

APPLICABLE CHEVY CHASE BUILDING REGULATION:

The Chevy Chase Village Code Sec. 8-22(b)(2) states:

No person may replace an external air conditioner or heat pump within five (5) feet of any side lot line or rear lot line or in the front yard of any property.

APPLICABLE COVENANTS:

"That no structure of any description shall be erected within twenty-five (25) feet of the front line of said premises; and that no stable, carriage-house, shed, or outbuilding shall be erected except on the rear of said premises."

The outside face of the unit will be located twenty-seven (27) feet from the Center Street (front) property line; hence there is no covenant setback issue.

FACTUAL AND BACKGROUND INFORMATION:

The Property is located on the southwest side of Center Street. Two air conditioners were located in the front yard of the property. One was replaced, and both were re-located to the side of the property without the owners obtaining County or Village permits. (A Village permit for the installation of one air conditioner in the front yard of the property was issued in 1998.)

The front yard location, from which the units were moved, is a compliant location for Montgomery County regulations, but not for Chevy Chase Village building regulations.

To date three letters have been received from abutting and confronting neighbors Mr. Paul & Ms. Elizabeth Meyers of 5414 Center Street; Mr. Seth A. Morgan of 5417 Center Street; and Ms. Peggy & Mr. Jay Treadwell of 5420 Grove Street in support of the request. Several documents objecting to the request have been received from Mr. Martin & Ms. Saida Dagata of 5514 Kirkside Drive. This correspondence is included in the Board book materials and in the application materials posted to the Village web site.

A timeline was prepared for ease of reference-see below.



Figure 1: View of 5419 Center Street.



Figure 2: View of two air conditioning units currently located in the northeast (side) yard.

TIMELINE:

May 15, 1998: Chevy Chase Village permit #3677 issued to install one air conditioner in the Center Street (front) yard. The owner of the property at that time was Mr. Michael Pliskin. (The current residents purchased the property in 2012). **See attached permit and application Circles 43-46.**

June 23, 2014: Village Code Enforcement Coordinator Ellen Sands received a telephone call from Mr. Martin Dagata of 5514 Kirkside Drive, advising that two (2) air conditioners had been installed in the northeast (side) yard of the property at 5419 Center Street and questioning if applicable permits had been obtained.

June 24, 2014: Staff contacted the residents at 5419 Center Street, Ms. Elizabeth King and Mr. Stephen Jung, and advised them that Chevy Chase Village and Montgomery County permits were required for the installation of mechanical equipment and to please contact the Village office for permitting information. **See enclosed email Circle 25.**

June 25, 2014: In response to a request from Mr. Jung concerning permitting requirements, staff sent a second email (**see Circle 26**) explaining Village permitting requirements.

June 30, 2014: Mr. Jung informs staff that his contractor is out of town and that he will contact him to obtain the applicable County mechanical permit.

July 17, 2014: Mr. Delvin Daniels, of Montgomery County Department of Permitting Services, confirmed that the relocation of the equipment to the side yard would be treated as a "new" installation, would not be compliant with Montgomery County DPS location requirements (**see enclosed location requirements sheets Circles 35-6**), would require a County variance and would likely not be approved by the Board of Appeals.

July 28, 2014: Staff contacted Ms. King and Mr. Jung (**see Circles 27-8**) advising them that to pursue a Special Permit from the Board to maintain the equipment in the side yard they must first have obtained a Montgomery County Mechanical Permit and that we have been advised that the likelihood of that request being approved by the County is unlikely.

August 16, 2014: Ms. King relayed via email (**see Circle 29**) that the property would be re-surveyed and thus they would not be able to meet the August 18 building permit appeal application deadline for the Village Board's September meeting.

September 21, 2014: Ms. King sent an email (**see Circle 30**) advising that she and Mr. Jung "are now planning on keeping the units in the front yard" and that she will obtain the Montgomery County Mechanical Permit.

September 23, 2014: Staff received an email from Mr. Daniels (**see Circle 37**) stating that in light of the timeline involved in the movement of the equipment, the County would consider relocation of both units to the front yard and the replacement of one or both units as "replacement", and not a new installation. (Note: whether as new or replacement installation, the location of the equipment in the Center Street front yard is compliant with County regulations.)

September 29, 2014: The Applicants submitted a Building Permit Application and Administrative Variance Application to replace an air conditioner in the Center Street (front) yard.

October 6, 2014: Notices mailed for Administrative Variance Case AA-6634 (**see Circle 11**) to replace an air conditioner located in the front yard, pursuant to Sec. 8-22(b)(2) and Sec. 8-11(b)(3).

October 14, 2014: The Applicants obtained a Montgomery County Mechanical Permit (**see Circle 38**) for replacement of one air conditioner in the front (Center Street) yard.

October 14, 2014: Staff received a memorandum (**see Circles 55-6**) from Mr. Martin & Ms. Saida Dagata stating objection to the administrative review process of Case AA-6634 for replacement of an air conditioner in the front yard of the property.

October 19, 2014: Staff received an email and memorandum (**see Circle 58**) from Mr. Martin & Ms. Saida Dagata requesting the Case AA-6634 be heard before the full Board of Managers.

October 21, 2014: Montgomery County Department of Permitting Services issued a Notice of Violation advising that the air conditioners in the side yard constitute a violation and advising the resident to "Replace heating/AC units to front yard where they were previously approved by Montgomery County..." **See Circle 39.**

October 22, 2014: Notice period for administrative review of Case AA-6634 ended.

October 23, 2014: The Building Officer and Village Manager sent a memo to the Board, copying the Applicants, referring the case to the Board for consideration before the Board of Managers. **See Circle 8.**

October 30, 2014: Notice of the variance request for Case A-6634 mailed to abutting and confronting property owners. **See Circle 5.**

RELEVANT PRECEDENTS:

Prior to the revisions to the Building Code enacted in July 2014, this case would have been considered under Section 8-20(a), which stated in pertinent part: "An external air conditioner, heat pump, or generator which is located so that it is a developmental nonconformity may not be replaced, unless the Board of Managers grants a variance". Under that provision, many cases considered for replacement of non-conforming air conditioners were for units located in a side yard. Cases involving replacement of units in a front yard were for locations where the proposed location functions effectively as a side yard (5403 Center Street in the Grove Street Buffer front yard; 12 East Lenox Street, 101 East Melrose Street and 26 Oxford Street in the Brookville Road front yard) etc. Staff was not able to locate a direct precedent for replacement of an air conditioner in a mid-block front yard.

FINDINGS REQUIRED:

1. The proposed variance is required because special conditions exist whereby the enforcement of the requirements of the Village Building Code would result in an unwarranted hardship and injustice to the owner.
2. The proposed variance will most nearly accomplish the intent and purpose of the requirements of the Village Building Code; and
3. Except for variances from the requirements of Sections 8-21 [fences], 8-26 [driveways] or Chapter 25 [public rights-of-way] of the Village Regulations, the structure authorized by the proposed variance would not violate any covenant applicable to the property.

Draft Motion

I move to APPROVE/DENY the variance request in Case A-6634 on the basis that the evidence presented, including the Staff Report, demonstrates that the applicable requirements for approval of the variance HAVE/HAVE NOT been met. Staff is directed to draft a decision based on this evidence, including findings of fact and conclusions, APPROVING/DENYING the variance request.

**CHEVY CHASE VILLAGE
NOTICE OF VARIANCE REQUEST**

Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 10th day of November, 2014 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-6634
MS. ELIZABETH KING & MR. STEPHEN JUNG
5419 CENTER STREET
CHEVY CHASE, MARYLAND 20815**

The applicants seek a variance from the Board of Managers pursuant to Section 8-9 of the Chevy Chase Village Building Code to replace an air conditioner in the front (northwest) yard of the property.

The Chevy Chase Village Code sec. 8-22(b)(2) states:

No person may replace an external air conditioner or heat pump within five (5) feet of any side lot line or rear lot line or in the front yard of any property.

This appeal was originally filed as an administrative variance, but has been referred to the Board of Managers pursuant to Sec. 8-11 (c) of the Village Code, to be considered under Sec. 8-10.

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at www.chevychasevillagemd.gov or you may contact the office for this information to be mailed to you.


This notice was mailed (and emailed where possible) and to abutting and confronting property owners on the 30th day of October, 2014.

**Chevy Chase Village Office
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
301-654-7300**

MAILING LIST FOR APPEAL A-6634

**MS. ELIZABETH KING &
MR. STEPHEN JUNG
5419 CENTER STREET
CHEVY CHASE, MD 20815**

| Adjoining and confronting property owners | |
|---|--|
| Mr. & Mrs. Paul A. Meyer Or Current Resident 5414 Center Street Chevy Chase, MD 20815 | Dr. & Mrs. Phillip Sheridan Or Current Resident 5416 Center Street Chevy Chase, MD 20815 |
| Mr. & Mrs. Seth Morgan Or Current Resident 5417 Center Street Chevy Chase, MD 20815 | Ms. Karen Spangler & Mr. Matthew Yeo Or Current Resident 5418 Grove Street Chevy Chase, MD 20815 |
| Mr. & Mrs. Jay Treadwell Or Current Resident 5420 Grove Street Chevy Chase, MD 20815 | Ms. Julia Anne Matheson & Mr. Timothy Slagle Or Current Resident 5500 Kirkside Drive Chevy Chase, MD 20815 |
| Mr. & Mrs. Martin Dagata Or Current Resident 5514 Kirkside Drive Chevy Chase, MD 20815 | Mrs. James T. Clark Or Current Resident 5600 Kirkside Drive Chevy Chase, MD 20815 |


I hereby certify that a public notice was mailed (and emailed where possible) to the
aforementioned property owners on the 30th day of October, 2014.

**Ellen Sands
Permitting and Code Enforcement Coordinator
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815**

CHEVY CHASE VILLAGE

ESTABLISHED 1890

October 30, 2014

Ms. Elizabeth King &
Mr. Stephen Jung
5419 Center Street
Chevy Chase, MD 20815

Dear Ms. King & Mr. Jung:

Please note that your request for a variance to replace the air conditioner in the front yard at your property is scheduled for consideration before the Board of Managers on Monday, November 10, 2014 at 7:30 p.m. Either you or another representative must be in attendance to present your case. At that time, additional documents may be introduced and testimony can be provided in support of the request.

A decision will be made by the Board at the hearing and staff will be directed to draft a decision for Board approval and signature by the Board secretary, following which the applicable Building Permit may be issued. No work may commence on the work until all applicable permits are obtained.

For your convenience, enclosed please find copies of the Public Hearing Notice and mailing list. Please contact the Village office in advance if you are unable to attend.

Sincerely,



Ellen Sands
Permitting and Code Enforcement
Chevy Chase Village

Enclosures

CHEVY CHASE VILLAGE

5906 Connecticut Avenue
Chevy Chase, Maryland 20815
Phone (301) 654-7300
Fax (301) 907-9721
ccv@montgomerycountymd.gov
www.chevychasevillagemd.gov

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SHANA R. DAVIS-COOK
LEGAL COUNSEL
SUELLEN M. FERGUSON

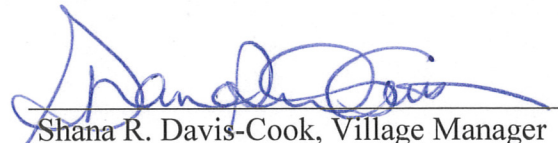
**CHEVY CHASE VILLAGE
NOTICE OF REFERRAL TO BOARD**

**APEAL NUMBER AA-6634
MS. ELIZABETH KING & MR. STEPHEN JUNG
5419 CENTER STREET
CHEVY CHASE, MARYLAND 20815**

Based on the unique circumstances of the above-referenced case, and that we have received a letter from abutting neighbors Martin and Saida Dagata of 5514 Kirkside Drive requesting that the matter be considered by the full Board of Managers, we have decided to refer this case to the full Board for consideration pursuant to Sec. 8-11 (c).

Sincerely,


Patricia S. Baptiste, Building Officer


Shana R. Davis-Cook, Village Manager

cc: Ms. Elizabeth King & Mr. Stephen Jung, 5419 Center Street

**Chevy Chase Village Office
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
301-654-7300**

October 23, 2014

Application Materials
Related to the Administrative Variance
Request Case AA-6634
For Replacement
of the A/C Unit in the Front yard

CHEVY CHASE VILLAGE
NOTICE OF ADMINISTRATIVE VARIANCE REQUEST

Please take notice that the Chevy Chase Village Building Officer and Village Manager will conduct an administrative review of a variance application for the following:

APPEAL NUMBER AA-6634
MS. ELIZABETH KING & MR. STEPHEN JUNG
5419 CENTER STREET
CHEVY CHASE, MARYLAND 20815

The applicants seek an administrative variance pursuant to Section 8-11 of the Chevy Chase Village Building Code to replace an external air conditioner located in the front (northwest) yard of the property.

The Chevy Chase Village Code sec. 8-22(b)(2) states:

No person may replace an external air conditioner or heat pump within five (5) feet of any side lot line or rear lot line or in the front yard of any property.

Additionally,

The Chevy Chase Village Code sec. 8-11(b) states:

The Building Officer and the Village Manager, by joint action, may grant administrative Special Permits and administrative variances for the following construction:

(3) Replacement of an external air conditioner, generator or heat pump (collectively referred to as "equipment"), provided that the replacement equipment is not materially larger and does not encroach farther into any setback than the existing equipment.

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at www.chevychasevillagemd.gov or you may contact the office for this information to be mailed to you.


This notice was mailed to abutting and confronting property owners on the 6th day of October, 2014. Abutting or confronting property owners or any aggrieved resident may, within fifteen (15) days of the date the notices are issued, submit written comments and request that the application be submitted to the Board of Managers in accordance with Section 8-11 of the Chevy Chase Village Building Code.

Chevy Chase Village Office
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
301-654-7300

MAILING LIST FOR APPEAL AA-6634

**MS. ELIZABETH KING &
MR. STEPHEN JUNG
5419 CENTER STREET
CHEVY CHASE, MD 20815**

| Adjoining and confronting property owners | |
|---|--|
| Mr. & Mrs. Paul A. Meyer Or Current Resident 5414 Center Street Chevy Chase, MD 20815 | Dr. & Mrs. Phillip Sheridan Or Current Resident 5416 Center Street Chevy Chase, MD 20815 |
| Mr. & Mrs. Seth Morgan Or Current Resident 5417 Center Street Chevy Chase, MD 20815 | Ms. Karen Spangler & Mr. Matthew Yeo Or Current Resident 5418 Grove Street Chevy Chase, MD 20815 |
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| Mr. & Mrs. Martin Dagata Or Current Resident 5514 Kirkside Drive Chevy Chase, MD 20815 | Mrs. James T. Clark Or Current Resident 5600 Kirkside Drive Chevy Chase, MD 20815 |


I hereby certify that a public notice was mailed to the aforementioned property owners on the 6th
day of October 2014.

**Ellen Sands
Permitting and Code Enforcement Coordinator
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815**



October 6, 2014

Ms. Elizabeth King &
Mr. Stephen Jung
5419 Center Street
Chevy Chase, MD 20815

Dear Ms. King & Mr. Jung:

Please note that your request for an administrative review of a variance application to replace the air conditioner located in the front yard of your property is being reviewed by the Building Officer and Village Manager.

A public notice was mailed to abutting and confronting property owners on the 6th day of October 2014 and a sign was posted at the property. Abutting or confronting property owners or any aggrieved resident, within fifteen (15) days of the date the notices are issued, may submit written comments and request that the application be submitted to the Board of Managers in accordance with Section 8-11 of the Chevy Chase Village Building Code.

For your convenience, enclosed please find copies of the Public Notice and mailing list. Please contact the Village office if you have any questions.

Sincerely,

Ellen Sands
Permitting and Code Enforcement
Chevy Chase Village

enclosures

CHEVY CHASE VILLAGE
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
Phone (301) 654-7300
Fax (301) 907-9721
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Board Member

VILLAGE MANAGER
SHANA R. DAVIS-COOK
LEGAL COUNSEL
SUELLEN M. FERGUSON

Chevy Chase Village

Application for an Administrative Variance

A variance is permission granted by the Board of Managers pursuant to, and subject to, the conditions of Sec. 8-9(c) of Chapter 8 to construct, install, remove or alter a structure or planting, or take any other action that does not otherwise meet the requirements of the Chapter. The administrative variance is a written authorization from the Building Officer and Village Manager pursuant to Sec. 8-11 permitting construction in a manner not otherwise allowed by the Village Code.

| | |
|---|----------------------|
| Subject Property: 5419 CENTER ST. | |
| Describe the Proposed Project: Replace External air conditioning unit | |
| Applicant Name(s) (List all property owners): ELIZABETH KING / STEPHEN JUNG | |
| Daytime telephone: 301-907-9578 | Cell: 202-679-3757 |
| E-mail: JUNG-KING-FAMILY@YAHOO.COM | |
| Address (if different from property address): | |
| For Village staff use: | |
| Date this form received: 9/29/14 | Variance No: AA-6634 |

Filing Requirements:

Applications will be reviewed for satisfaction of all requirements and are not considered complete until approved as such by staff.

- ☐ Completed Chevy Chase Village Application for a Variance (this form)
- ☐ Completed Chevy Chase Village Building Permit Application
- ☐ Completed Chevy Chase Village Website Posting Notice
- ☐ A boundary survey or plat diagram with a margin of error of one tenth of a foot or less showing all existing structures, projections and impervious surfaces.
- ☐ Surveys, plats, engineering reports, construction plans/specifications or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc., existing and proposed to be erected, and the distances of such structures/fences/walls/etc., from the nearest property lines. These drawings shall incorporate and display reference dimensions from the boundary survey or plat diagram required above.
- ☐ Copy of Covenants applicable to the property except for variances from Secs. 8-21 and 8-26 or Chapter 25 of the Chevy Chase Village Code.
- ☐ Variance fee (See fee schedule listed in Chapter 6 of the Village Code).

Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this variance request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: Elizabeth K. King

Date: 9-29-2014

Applicant's Signature: Stephen M. Jung

Date: 9/29/14

Describe the basis for the variance request (Applicants should become familiar with the pertinent sections of the Village Code. Attach additional pages as needed):

Describe the special conditions of the property (e.g., odd shape, small size, sloping topography, abuts state highway, etc.) and how the property compares to other properties in the Village:

SEE Attached

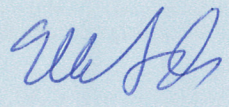
Describe how enforcement of the building regulations would result in an unwarranted hardship and injustice because of the special condition(s) described above (i.e., describe (i) the unwarranted hardship and injustice that you claim exists and (ii) how the special conditions cause that unwarranted hardship and injustice):

SEE Attached

Describe how the proposed variance most nearly accomplishes the intent and purpose of the requirements of Chapter 8 or Chapter 25 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:

SEE Attached

In exercising its powers in connection with a variance request, the Chevy Chase Village Building Officer and Village Manager may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate.

| | |
|---|---|
| Variance Filing Fee <i>Per Village Code Sec. 6-2(a)(24):</i> <input type="checkbox"/> \$300.00 for new construction. <input checked="" type="checkbox"/> \$150.00 for replacing existing non-conformities. <input type="checkbox"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way. <input type="checkbox"/> Other: \$ _____ Fee Paid: \$150.00 check # 2116 | Checks Payable To: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815 Date Paid: Staff Signature:  |
| | Approved to Issue Building Permit per Decision Signed by the Building Officer and Village Manager on: Date: _____ Signature: _____ Building Officer Signature: _____ Village Manager |

**Attachment to Application for an Administrative Variance
5419 Center Street**

Describe the special conditions of the property:

Located in the backyard of the property is a swimming pool with a surrounding flagstone deck. In addition, there is only 7.2 feet between house and side property line. See attached survey.

Describe how enforcement of the building regulations would result in an unwarranted hardship and injustice because of the special conditions(s) described above:

The side lot is not wide enough to allow us to relocate air conditioning units to the side yard within 7 feet of the side lot line as required by Sec. 8-22(b) of the Village Code or within 5 feet of the side lot line as required by covenants.

We cannot relocate the air conditioning units to the backyard because of the flagstone deck that abuts the house and covers (together with the pool) most of the backyard. The only possible place to consider moving the units is behind the garage. Moving the units behind the garage would require running new lines to the air handler in the attic and the basement. These changes and the distance from a location behind the garage to the attic and basement locations of the air handlers would make it very costly to install the condenser units behind the garage. We received an estimate of \$8101.75 to move the units to this location, which would represent a hardship for us.

Describe how the proposed variance most nearly accomplishes the intent and purpose of the requirements of Chapter 8 or Chapter 25 of the Chevy Chase Village Code:

The proposed project is to replace an external air conditioner unit with a unit that is not materially larger. The new unit is a 16 Seer and replaces an 8 Seer unit. The new unit is substantially quieter and more energy efficient and is not materially larger.

The prior owners of the house received a permit to install two air conditioning units in the front yard of the house. The continuation of the current variance for location of the air conditioning units in the front yard is required because special conditions of the property exist, as described above. Enforcement of the setback requirements in connection with replacing an old external air conditioner unit would result in unwarranted hardship and injustice because the air conditioning units were located in the front yard when we purchased the property in August 2013 and the cost of moving the units to the only location in the backyard that would accommodate the units would be extremely costly.

Chevy Chase Village

**Building Permit Application for Air Conditioning Units,
Heat Pumps, Generators and Geothermal Wells**

These mechanical units are regulated by Chevy Chase Village Code Section 8-22(b).

Permit No:

AA-6634

Property Address: 5419 Center St.

Resident Name: ELIZABETH KING

Daytime telephone: 301-907-9578

Cell phone: 202-679-3759

After-hours telephone:

E-mail: JUNG-KING-FAMILY@YAHOO.COM

Primary Contact for Project:

☒ Resident

☐ Architect

☐ Project Manager

☐ Contractor*

*MHIC/MD Contractor's License No. (required):

Primary Contact Information:

Name:

Daytime telephone:

After-hours telephone:

E-mail:

Check all that apply:

☒ Air Conditioning Unit [1 # unit(s)]

☐ Heat Pump(s) [____ # unit(s)]

Is this heat pump a geothermal/geoexchange or ground source heat pump? ☐ Yes ☐ No

If yes, how many wells will be drilled?

☐ Generator(s) [____ #unit(s)]

Check all appropriate boxes:

Mechanical unit is: ☒ new;

☐ an enlargement of an existing unit; and/or

☐ being relocated.

☐ Mechanical unit is a replacement in-kind and in the same location.

Description of type and location of mechanical unit(s) to be installed:

Replace 1 Air conditioning condenser in same location

To be completed by Village staff:

Is this property within the historic district?

Yes ☐

No ☒

Staff Initials:

gg

Date application filed with Village: 9/21/14

Date permit issued: _____

Expiration date: _____

Excerpt from the Chevy Chase Village Code:

Sec. 8-5. Residential building permits. [...A]ny person intending to construct, install, replace, alter, add to, expand or make any material alteration to any of the following, whether on private property or in the public right-of-way must first obtain any required County building permit and then obtain any required building permit from the Village:

(12) Any external antenna, air conditioner, generator or heat pump including the replacement of any such external feature that is a developmental nonconformity.

Sec. 8-22. Antennae, air conditioners, heat pumps and generators.

(b) *Setbacks* No person may 1) Install an external air conditioner or heat pump within seven (7) feet of any side lot line or rear lot line nor in the front yard of any property. 2) Replace an external air conditioner or heat pump within five (5) feet of any side lot line or rear lot line or in the front yard of any property 3) Install or replace a generator within seven (7) feet of any side lot line or rear lot line or in the front yard of any property. All external air conditioners, heat pumps and generators must comply with the noise control provisions and building regulations of the county.

Cross reference(s)--Fine for violation of this section, Sec. 6-3(a)(1).

Building Permit Application for Air Conditioning Units, Heat Pumps, Generators and Geothermal Wells: Filing Requirements

Application will not be reviewed until the application is complete

- ☐ Copy of stamped approved plans & permits from Montgomery County.
- ☐ This application form, signed by resident.
- ☐ Boundary Survey
- ☐ Site Plan (see: Village Site Plan Checklist to ensure completeness) showing exact location of units
- ☐ Tree Preservation Plan requested of Village arborist (see: Village Tree Inspection Request form). All required tree protections must be fully installed before any work begins.
- ☐ Filing Fee (due at time of application).
- ☐ Damage deposit or performance bond (due when permit is issued). Amount will be set by Village Manager.

Once this permit application is complete, the Village Manager will review the application and accompanying documents and, under most circumstances, act on the application within 5 to 10 working days.

If the Montgomery County permit is suspended, revoked or lapsed, the Village permit is automatically suspended, revoked or lapsed.

No signs advertising any service provider may be posted on the work site.

I hereby certify that I have the authority to make the foregoing application, that the application is correct, that I have read and understood all requirements and that the construction will conform to the regulations of the Montgomery County Zoning Code, the Village Code including Urban Forest code, and any covenants and easements on the subject property.

Applicant's Signature: Elyse K

Date: 9-29-2014

| | |
|--|---|
| For Use By Village Manager | Application approved with the following conditions: |
| | |
| | |
| | |
| <div style="border: 1px solid black; padding: 5px; display: inline-block;"> DENIED SEP 29 2014 Chevy Chase Village Manager </div> | Application denied for the following reasons: |
| | <i>[Signature]</i> |
| | |
| | |

| | | |
|---|---|--|
| Filing Fees (due when application submitted) | Checks Payable to: | Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815 |
| Permit Application Fee: <input checked="" type="checkbox"/> \$50.00 (if mechanical unit/system is new, enlarged or relocated) <input type="checkbox"/> \$25.00 (if mechanical unit is a replacement in-kind and in the same location) | | |
| Tree Preservation Plan Fee: <input type="checkbox"/> \$250.00 <input checked="" type="checkbox"/> Not required for this project | | |
| TOTAL Fees: <i>check # 2116</i> <i>\$50.00</i> | Date: <i>9/29/14</i> Staff Signature: <i>[Signature]</i> | |
| Damage Deposit/Performance Bond <input type="checkbox"/> \$ _____ <input type="checkbox"/> Waived by Village Manager | Date: Village Manager Signature: | |

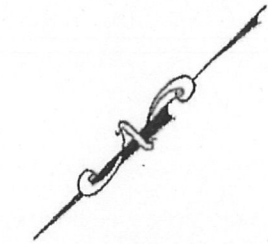
For Village Staff use:
Field file for inspections by Code Enforcement Officer has been created: ☐ Yes (Date: _____)

CONSUMER INFORMATION NOTES:

1. This plan is a benefit to a consumer insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
2. This plan is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
3. This plan does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or re-financing.
4. Building line and/or Flood Zone information is taken from available sources and is subject to interpretation of originator.
5. No Title Report furnished.

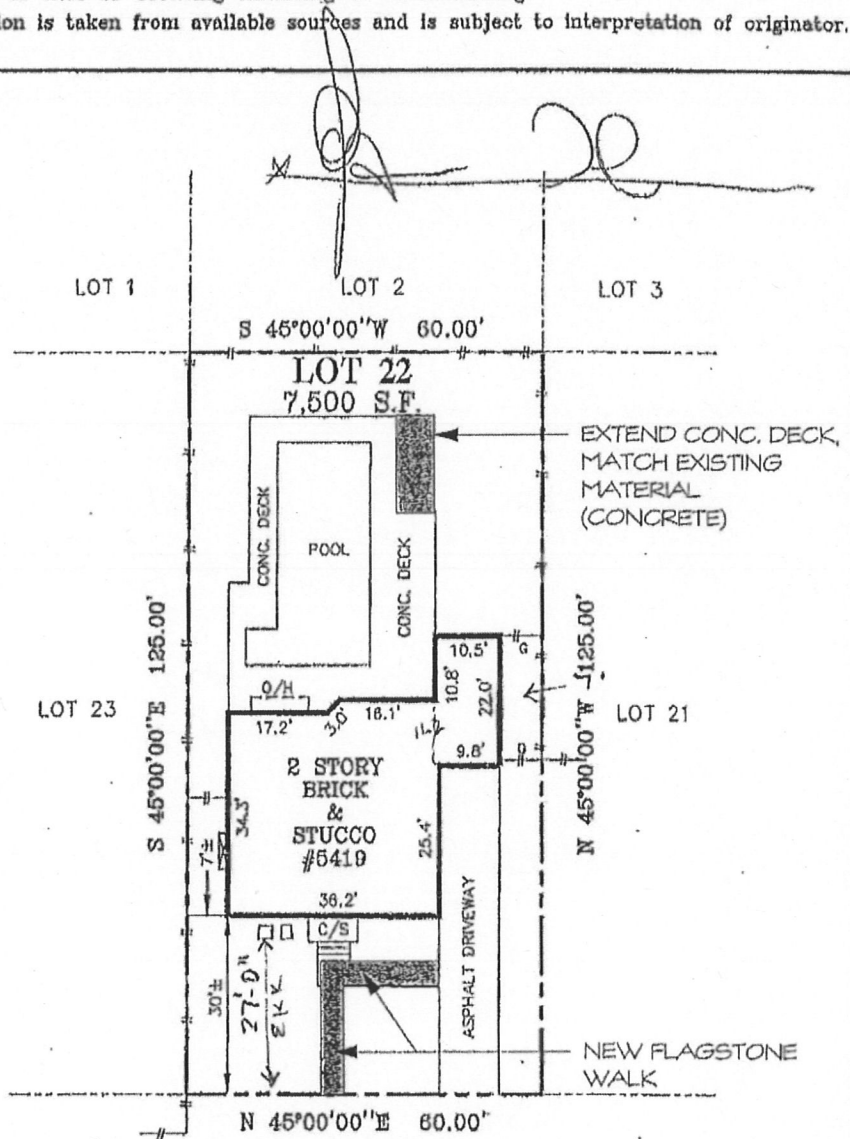
Notes:

1. Flood zone "X" per H.U.D. panel No. 0455D.
 2. Setback distances as shown to the principal structure from property lines are approximate. The level of accuracy for this drawing should be taken to be no greater than plus or minus 1 foot.
- Fences, if shown, have been located by approximate methods.



LOCATION DRAWING
LOT 22, BLOCK 7
SECTION 1-A
CHEVY CHASE

MONTGOMERY COUNTY, MARYLAND



SURVEYOR'S CERTIFICATE

"THE INFORMATION SHOWN HEREON HAS BEEN BASED UPON THE RESULTS OF A FIELD INSPECTION PURSUANT TO THE DEED OR PLAT OF RECORD. EXISTING STRUCTURES SHOWN HAVE BEEN FIELD LOCATED BASED UPON MEASUREMENTS FROM PROPERTY MARKERS FOUND OR FROM EVIDENCE OF LINES OF APPARENT OCCUPATION."

Jeffrey A. Foster 587
MARYLAND PROPERTY LINE SURVEYOR REG. NO. 587

REFERENCES

PLAT BK. 4
PLAT NO. 349

LIBER
FOLIO



SNIDER & ASSOCIATES LAND SURVEYORS

20270 Goldenrod Lane, Suite 110
Germantown, Maryland 20876
301/948-5100 Fax 301/948-1286

DATE OF LOCATIONS

SCALE: 1" = 30'

WALL CHECK:

DRAWN BY: E.H.

HSE. LOC.: 4-14-09

JOB NO.: 09-01189

the County of Montgomery, State of Maryland, namely:

Lots numbered One (1) to Ten (10) inclusive in Block numbered Ten (10) and Lots numbered Thirteen (13) to Twenty-three (23) inclusive, in Block numbered Seven (7) in the subdivision known as "Section One-A, Chevy Chase", as per plat recorded in Plat Book 4, folio 349, one of the Land Records of Montgomery County, Maryland.

Subject to the building restriction line of 25 feet as shown on said plat.

It is hereby expressly understood and agreed by and between the parties hereto, their respective successors, heirs, personal representatives and assigns, that the general plan of subdivision of which the land and premises hereby conveyed is a part, embraces only and is limited to the area contained in and covered by the subdivision known as "Section One-A, Chevy Chase", Montgomery County, Maryland, and further that no covenant, restriction or condition whether or not herein contained shall apply to charge or affect lots in Blocks 6 and 11 of the said subdivision, and that no objection will be raised to the rezoning of said Blocks 6 and 11 for commercial purposes.

It is hereby understood and agreed that no building shall be erected on the land hereby conveyed ^{unless} and until the plans of the elevations, the design and color scheme thereof as well as the location of said building on said land shall be first approved in writing by The Chevy Chase Land Company of Montgomery County, Maryland, or its successors.

In evidence of their acceptance of the foregoing and following covenants and restrictions, for themselves, their heirs and assigns, the said parties hereto of second part have hereunto set their hands and seals.

To Have and to Hold the said land and premises, with the improvements, easements and appurtenances, unto and to the use of the said parties of the second part, in fee simple, as tenants by the entirety.

In Consideration of the execution of this Deed, the said parties of the second part, for themselves, their heirs and assigns, hereby covenant and agree with the party of the first part, its successors and assigns (such covenants and agreements to run with the land), as follows, viz:

1. That all houses upon the premises hereby conveyed shall be built and used for residence purposes exclusively, except stables, carriage houses, sheds or other outbuildings, for use in connection with such residences, and that no trade, business, manufacture or sales, or nuisance of any kind shall be carried on or permitted upon said premises.

2. That no structure of any description shall be erected within twenty-five (25) feet of the front line of said premises; and that no stable, carriage-house, shed, or outbuilding shall be erected except on the rear of said premises.

In the case of corner lots any and all lines bordering upon a street, avenue, or parkway shall be considered a front line.

3. That no house shall be erected on said premises at a cost less than Seventy-five Hundred (\$7,500.00) Dollars.

4. That any house erected on said premises shall be designed for the occupancy of a single family, and no part of any house or of any structure appurtenant thereto shall be erected or maintained within five (5) feet of the side lines of premises hereby conveyed, nor within (10) ten feet of the nearest adjacent house.

5. That a violation of any of the aforesaid covenants and agreements may be enjoined and the same enforced at the suit of The Chevy Chase Land Company, of Montgomery County, Maryland, its successors and assigns (assigns including any person deriving title mediately or immediately from said Company to any lot or square, or part of a lot or square in the Section of the Subdivision of which the land hereby conveyed forms a part).

Correspondence with the Applicants
Related to the Replacement and Permitting
of the A/C Unit

CCV Permitting

From: CCV Permitting
Sent: Tuesday, June 24, 2014 2:23 PM
To: 'jung-king-family@yahoo.com'
Subject: 5419 Center St
Attachments: Building Permit Applic for AC UNITS, HEAT PUMPS & GENERATORS - updated April 8 2010.pdf

Dear Mr. Jung and Ms. King:

I am reaching out to you regarding air conditioning units that may have been relocated at your property. Per our Village regulations, a permit is required to install or replace air conditioning condensers. Additionally there are setback requirements for their placement on the property. Here is the relevant Code section:

Sec. 8-22. Antennae, air conditioners, heat pumps and generators.

(b) Setbacks. No person may:

- (1) install an external air conditioner or heat pump within seven (7) feet of any side lot line or rear lot line or in the front yard of any property.
- (2) replace an external air conditioner or heat pump within five (5) feet of any side lot line or rear lot line or in the front yard of any property.
- (3) install or replace a generator within seven (7) feet of any side lot line or rear lot line or in the front yard of any property.

All external air conditioners, heat pumps and generators must comply with County and Village noise regulations.(see sec. 8- 11(b)(3)).

Typically residents must obtain their County permit and then obtain a Village permit. I have attached the applicable permit application- please contact me if you have any questions.

Ellen Sands
Permitting and Code Enforcement Coordinator
Chevy Chase Village
Tele. 301-654-7300
FAX 301-907-9721

ccvpermitting@montgomerycountymd.gov
www.chevychasevillagemd.gov



CCV Permitting

From: CCV Permitting
Sent: Wednesday, June 25, 2014 3:44 PM
To: 'jungs@sec.gov'
Subject: 5419 Center Street
Attachments: plat.pdf; Building Permit Applic for AC UNITS, HEAT PUMPS & GENERATORS - updated April 8 2010.pdf; Application for a Special Permit - updated 12-07-09.pdf

Mr. Jung:

Thank you for returning my call regarding the air conditioning condensers that were relocated at your property. Per Village regulations, you should have obtained a Village permit prior to relocating the units. Part of the Village permit application is the valid Montgomery County permit. As far as location requirements (setbacks), here is the excerpt from the Village Code:

Sec. 8-22. Antennae, air conditioners, heat pumps and generators.

(b) Setbacks. No person may:

- (1) Install an external air conditioner or heat pump within seven (7) feet of any side lot line or rear lot line or in the front yard of any property.
- (2) Replace an external air conditioner or heat pump within five (5) feet of any side lot line or rear lot line or in the front yard of any property.

You should have submitted the applicable Village Building Permit Application (attached), indicating the proposed location of the units on a plat. I have attached a plat for your use. Since it would seem impossible that the units are compliant, you will need to obtain a Special Permit from the Board in order to maintain the units in the location you placed them. I have attached the application.

Because you have missed the deadline for the July Board meeting, and there is no August meeting, this case will be heard at the September regular monthly Board meeting. Please submit the application promptly, however, so that we can show that you have addressed this Code violation issue. Please contact me if you have any questions.

Ellen Sands
Permitting and Code Enforcement Coordinator
Chevy Chase Village
Tele. 301-654-7300
FAX 301-907-9721

ccvpermitting@montgomerycountymd.gov
www.chevychasevillagemd.gov





July 28, 2014

Ms. Elizabeth King &
Mr. Stephen Jung
5419 Center Street
Chevy Chase, MD 20815

Dear Ms. King & Mr. Jung:

I am reaching out to you regarding the status of the relocation of two air conditioners at your property. The units have been installed within the seven foot (7') side yard setback of your northeast (side) yard. I previously advised you that relocation of the units requires both Montgomery County and Chevy Chase Village building permits, neither of which were obtained before the units were installed. The relocated units must be installed in a location that is compliant with the Village's building regulations. Per the Village Code:

SEC. 8-22. ANTENNAE, AIR CONDITIONERS, HEAT PUMPS AND GENERATORS.

(b) Setbacks. No person may:

- (1) Install an external air conditioner or heat pump within seven (7) feet of any side lot line or rear lot line or in the front yard of any property.
- (2) Replace an external air conditioner or heat pump within five (5) feet of any side lot line or rear lot line or in the front yard of any property.
- (3) Install or replace a generator within seven (7) feet of any side lot line or rear lot line or in the front yard of any property.

If you seek to maintain the units in their present location, you will need to obtain a variance from the Board of Managers. Prior to requesting a variance from the Village Board, you must obtain a variance from the Montgomery County Board of Appeals.

The next regularly scheduled meeting of the Village Board of Managers is Monday, September 8 at 7:30 p.m. The deadline to file a complete application to be on the agenda for that meeting is August 18.

CHEVY CHASE VILLAGE

5906 Connecticut Avenue
Chevy Chase, Maryland 20815

Phone (301) 654-7300

Fax (301) 907-9721

ccv@montgomerycountymd.gov
www.chevychasevillagemd.gov

BOARD OF MANAGERS

MICHAEL L. DINGER
Chair

PATRICIA S. BAPTISTE
Vice Chair

RICHARD M. RUDA
Secretary

DAVID L. WINSTEAD
Assistant Secretary

GARY CROCKETT
Treasurer

ROBERT C. GOODWIN, JR.
Assistant Treasurer

ELISSA A. LEONARD
Board Member

VILLAGE MANAGER
SHANA R. DAVIS-COOK

LEGAL COUNSEL
SUELLEN M. FERGUSON

Please advise how you would like to proceed in this matter within ten (10) days of the date of this letter, since leaving the units in their current location without actively pursuing the applicable permits is a continued compliance violation . Failure to respond within the stated timeframe may result in further enforcement action.

Enclosed are the applications you will need to complete to proceed with a variance hearing before the Village Board. Please contact me if you have any questions.

Sincerely,



Ellen Sands
Permitting & Code Enforcement Coordinator
Chevy Chase Village
301-654-7300

enclosures

To: Village, Chevy Chase
Subject: 5419 Center Street

Dear Ms. Sands,

To follow-up from our phone conversation last week, I am in the process of getting the information together needed to request the Montgomery County building permit for our AC units. A surveyor is scheduled to come to our property next week. Since a boundary survey is required before filing for a permit or variance, the completion of the surveyors work is required before we can proceed further.

Accordingly, I will not be able to meet the August 18 deadline for filing a completed application to be on the agenda at the September 8 meeting.

In addition, I had asked you how I could get access to the precedents in CCV on decisions regarding AC unit variances. I believe you were checking to see what the easiest way for me to get access to those would be. I would appreciate it if you could get back to be on this matter.

Thank you,

Elizabeth King

From: Elizabeth King [mailto:jung_king_family@yahoo.com]
Sent: Saturday, August 16, 2014 8:31 AM



CCV Permitting

From: Elizabeth King [jung_king_family@yahoo.com]
Sent: Sunday, September 21, 2014 10:08 AM
To: CCV Permitting
Subject: Fw: Fwd: 5419 Center St

Ellen,

Thank you for the information on the precedents from previous appeals. As I discussed with you on the phone earlier this week, we are now planning to keep the AC units in the front yard. The survey we had performed indicates that it is not possible to relocate the units on the side yard and comply with the five foot covenant.

I need to go to the Permitting Office in Rockville to file the Mechanics Permit for replacement of the old unit with the new unit. The contractor who will do the work filled out the form last week but could not go to Rockville himself. As you know, I need that permit before I submit the CCV permit for the replacement of the unit in the front yard. Accordingly, I will not make the Sept 22 deadline to submit the materials for the October meeting. Can you let me know when the deadline for the November meeting is?

Thank you,

Elizabeth King

From: CCV Permitting [mailto:CCVPERMIT01@montgomerycountymd.gov]
Sent: Friday, September 12, 2014 10:45 AM
To: jung-king-family@yahoo.com
Cc: Jung, Stephen M.
Subject: 5419 Center St

Dear Ms. King and Mr. Jung,

I wanted to reconnect with you regarding the status of the air conditioner permit required at your property, since the deadline to be on the October Board agenda is approaching. I had told Ms. King I would do some research on precedents in previous appeals. There are a few loose ends that would need to be pinned down before I can really guide you on the direction of that research, so I thought I would try to clarify the issues for you both. First it might be helpful to have the pertinent Code reference:

Sec. 8-22. Antennae, air conditioners, heat pumps and generators.

(b) Setbacks. No person may:

- (1) Install an external air conditioner or heat pump within seven (7) feet of any side lot line or rear lot line or in the front yard of any property.
- (2) Replace an external air conditioner or heat pump within five (5) feet of any side lot line or rear lot line or in the front yard of any property.

All external air conditioners, heat pumps and generators must comply with County and Village noise regulations.(see Sec. 8-11(b)(3)).

1) The units that were in the front yard were installed with a previously issued administrative Village permit, however as you see from above they would require a

variance to be replaced. . In your case, I would think it would help your request that the Village had previously issued a permit for installation of the units in your front yard. I am not 100% certain on County regulations, but they *may* be compliant with County location regulations.

2) If you wanted to relocate the units to the side yard it would also require a Village variance. It would be to your advantage if you can select units and locate them so that they do not encroach into the five (5) foot covenant setback; most of the granted appeal requests have been for units that do not violate any covenant setback. The County allows replacements of units in side yards, however since these units were previously in a front yard, it would seem they will be considered new and would require the units to be compliant with setbacks for new units.

Attached are some precedents from previous appeals, as Ms. King requested. (Please note that the Code Section references have changed, but the content remains relevant.) You can see that most of the side yard appeal approvals are for units that do not violate any covenant setback, and the approvals for units in a front yard are for corner properties (that technically have two front yards) where the unit is in a "front" yard that acts effectively as a side yard. In either case, Village policy is that you need to have the applicable County permit before a Village permit can be issued.

Please look this over and see if it is what you requested. Also please update me on your progress. Thank you,

Ellen Sands
Permitting and Code Enforcement Coordinator
Chevy Chase Village
Tele. 301-654-7300
FAX 301-907-9721

ccvpermitting@montgomerycountymd.gov
www.chevychasevillagemd.gov



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Montgomery County AC Unit Location Information



Department of Permitting Services
255 Rockville Pike, 2nd Floor
Rockville, MD 20850-4166
Phone: 311 in Montgomery County or (240) 777-0311
Fax (240)-777-6262
<http://www.montgomerycountymd.gov/permittingservices>



Site Plan Requirements For Installation Of All New Aboveground Generators, Condensing Units, Fuel Tanks

Site Plan Requirements for Mechanical Permits

On April 1, 2009, the Department of Permitting Services began requiring a zoning review for setbacks based upon a site plan drawing showing the location of the above types of units. Permit applicants for equipment that will be set on site are responsible for providing a site plan with the proposed location of the equipment.

Air conditioners, heat pumps, condensing units, aboveground generators of any type and above ground fuel tanks must meet setbacks in accordance with the Zoning Ordinance, Chapter 59 of the Montgomery County code. A zoning review is required since the setbacks for these structures are dependent upon the zone in which the property is located. **Air Conditioners and heat pumps may not project more than 5 feet into any minimum front or rear yard.**

For the purposes of this policy, new buildings and new additions being constructed and requiring a permit for ABOVEGROUND generators, condensing units and/or fuel tanks outside of the new building or new addition are required to provide a site plan showing the proposed location of the equipment and the distance from the property line to the equipment (not the pad on which it sits). The site plan must be drawn to a common engineer's scale so that we can determine if all of the setback requirements are being met for the unit(s) being installed.

REPLACEMENT of air conditioners, heat pumps, condensing units and aboveground generators and fuel tanks, or replacement of old components of existing units in the same location DO NOT require a site plan. Units that are increasing the tonnage WILL REQUIRE a site plan. Any air conditioners or heat pumps existing within any minimum side yard prior to July 27, 1982, may be continued and replaced.

The site plan drawing must be to scale and must show the location of the house in relation to the property lines, AND the location of the unit(S) in relation to the property lines.

Frequently Asked Questions

Who Must Submit A Site Plan In Order To Obtain A Permit?

Any applicant, who is obtaining a permit to set a unit or fuel tank on residential property, must submit a site plan with the permit application and undergo a zoning review if there was never a unit in place. If the electrical contractor is only pre-wiring a unit and is not setting the unit then a site plan is not required. If you replacing these units in kind, that is same tonnage and in the same exact location a site plan is not required.

What Is A Site Plan?

A site plan is a document showing the location of the house with respect to the property lines, and it is generally signed and sealed by a Maryland licensed engineer or surveyor. A site plan is usually drawn to a common engineer's scale. A homeowner will have received this document during the settlement process for the purchase of their home. If you do not have a copy, your Title Insurance Company may have a copy of the site plan. A site plan is NOT a plat of your property.

When Do I Need A Site Plan?

You need a site plan for all new building and new additions being constructed and requiring a permit for ABOVEGROUND generators, condensing units and fuel tanks on the outside of a new building or new addition. You must provide us with a site plan showing the proposed location of the equipment and the distances from the property line to the new equipment (not the pad on which the unit sits).

YOU DO NOT NEED A SITE PLAN if the new air conditioner, heat pump, condensing unit, aboveground generator of any type or aboveground fuel tank is replacing an existing unit in the same location or is located underground.

Drawings that show only the property boundaries will not be accepted for review. The drawing must also show all building improvements and the setbacks from the building and equipment to the property line.

You do not need a site plan if you are replacing an existing unit with a new unit and the new unit is in the SAME LOCATION, is the SAME TONNAGE, is INSIDE THE STRUCTURE, or is UNDERGROUND.

CCV Permitting

From: Daniels, Delvin
Sent: Tuesday, September 23, 2014 7:54 AM
To: CCV Permitting
Subject: RE: what I hope will be a quick question please

I would consider it replacement.

From: CCV Permitting
Sent: Monday, September 22, 2014 1:58 PM
To: Daniels, Delvin
Subject: RE: what I hope will be a quick question please

Sometime, this spring- May or June.

Ellen Sands
Permitting and Code Enforcement Coordinator
Chevy Chase Village
Tele. 301-654-7300
FAX 301-907-9721

ccvpermitting@montgomerycountymd.gov
www.chevychasevillagemd.gov



From: Daniels, Delvin
Sent: Monday, September 22, 2014 1:45 PM
To: CCV Permitting
Subject: RE: what I hope will be a quick question please

When were the front yard units removed?

From: CCV Permitting
Sent: Monday, September 22, 2014 9:54 AM
To: Daniels, Delvin
Subject: what I hope will be a quick question please

Mr. Daniels:

A resident had two air conditioners in their front yard. They removed them and relocated the replacement units to a side yard. They did not obtain a County permit for the relocation or replacement equipment. If they now wish to obtain a permit to install the units in the front yard, is it considered a new installation or a replacement? The units were relocated sometime back in June or so. Thank you,

Ellen Sands
Permitting and Code Enforcement Coordinator



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R Schwartz Jones
Director

MECHANICAL PERMIT

Issue Date: 10/13/2014

Permit No: 691090
Expires: 10/14/2015
ID: AC930193

THIS IS TO CERTIFY THAT: SANDFORD HEATING AND AIR
1272 WHITINGS NECK ROAD
MARTINSBURG, WV 25401

HAS PERMISSION TO: REPLACE SINGLE FAMILY DWELLING
Y Residential Building N Commercial Building

Heating Equipment

| Total Capacity (MBH) | Total Quantity |
|----------------------|----------------|
| .0 | 0 |
| N Gas | N Electric |
| N Oil | N Other |

Cooling Equipment

| Total Capacity (Tons) | Total Quantity | Refrig. Unit | Chiller |
|-----------------------|----------------|--------------|---------|
| 2.0 | 2 | N | N |
| N Gas | Y Electric | | |
| N Oil | N Other | | |

Tanks (Fuel-oil, LP-gas)

| Total Capacity (WG) | Total Quantity |
|-------------------------|----------------|
| .0 | 0 |
| N Commercial Hoods | |
| N Cooling Towers | |
| N Ductwork | |
| N Fuel-oil Pumps | |
| N Hydronic System Pumps | |
| Y Piping of Equipment | |

Tanks (Expansion)

| Total Capacity (WG) | Total Quantity |
|---------------------|----------------|
| .0 | 0 |
| Pre-Fab Fireplace: | 0 |
| Pre-Fab Chimney: | 0 |

PREMISE ADDRESS: 5419 CENTER ST
CHEVY CHASE, MD 20815-7123

PERMIT CONDITIONS:

| | | |
|--------------------------|----------------------------------|-----------------------|
| LOT - BLOCK: 22 - 7 | ZONE: | ELECTION DISTRICT: 07 |
| BOND NO.: | BOND TYPE: | |
| PERMIT FEE: \$ 92.40 | SUBDIVISION: CHEVY CHASE SEC 1-A | PS NUMBER: |
| INSPECTOR: BERNARD MARRA | INSPECTOR MOBILE: (301)370-3679 | |

PERMIT MUST BE KEPT AT THE JOB SITE

The equipment noise levels must comply with the receiving property line limits when measured in accordance with Ch. 31-B, MCC. For further information, contact the Department of Environment Protection at 240-777-7770.

The work performed on this permit must be in compliance with Montgomery County Zoning Ordinance development standards of the zone including location, setbacks, and height.

Diane R. Schwartz Jones

Director, Department of Permitting Services





MONTGOMERY COUNTY
DEPARTMENT OF PERMITTING SERVICES
255 Rockville Pike, 2nd Floor
Rockville, Maryland 20850-4166

NOTICE OF VIOLATION

Case# 340121
Permit Type

Permit
Number

FOR MONTGOMERY COUNTY, MARYLAND the undersigned issuer, being duly authorized, states that:

On October 21, 2014 the recipient of this NOTICE: Stephen Jung
who represents the permittee/defendant,
is notified that a violation of Montgomery County Code, Section(s) as noted below
exists at: 5419 CENTER ST CHEVY CHASE MD, 20815-7123

VIOLATION

Violation 1: 59-C-1.31

Use not permitted in the zone

CORRECTIVE ACTION

Discontinue use

Violation 2:

Violation 3:

Violation 4:

Violation 5

Violation Comments / Remarks: Heating/AC units in side yard setback.

Corrective Action / Remarks: Replace heating/AC units to front yard where they were previously approved by Montgomery county within 60 days.

See attached Inspection Report(s) for additional violations and/or required corrective actions

☐ An Inspection fee of \$0.00 is required in addition to any application fee(s).

Compliance Time: 12/22/2014 Re-Inspection Date(s): 12/22/2014 Code/Edition:

Failure to comply with this notice may result in the issuance of one or more civil citations seeking fines of .

☐ A **STOP WORK ORDER** is also issued this date at the above referenced project. All construction activities on these premises must cease immediately. Only those activities required to correct violations may continue. Written permission is required to resume construction.

ISSUED BY: ANDY JAKAB

Printed Name

Signature

10/21/2014

Date

Phone No:

301-370-1673

RECEIVED BY:

Printed Name

Signature

Date

Phone No:

Sent by Registered Mail/Return Receipt On:

RECIPIENT'S SIGNATURE ACKNOWLEDGES RECEIPT OF A COPY OF THIS NOTICE OF VIOLATION

39

Previous CCV Permit Materials For the
Installation of the Original Air Conditioner
(1998)

CHEVY CHASE VILLAGE

5906 Connecticut Avenue
Chevy Chase, Maryland 20815
(301) 654-7300

BUILDING PERMIT

Permit Number: 3677

Date Issued: May 15, 1998 *Date Expires:* May 15, 1999

Name of Property Owner: Mr. Michael Pliskin

Address of Construction: 5419 Center Street
Chevy Chase, MD 20815

Contractor: Ian Goldman HVAC, Inc.
Telephone Number: 301-236-9464

WORK TO BE DONE

- Moving air conditioning unit to NE corner at front of house

SPECIAL CONDITIONS

- Work must be completed before May 15, 1999.
- Work must be in accordance with submitted plans and applications.
- Posting of commercial signs is prohibited.
- AC unit must be 7 ft. from side property line and behind building line of front porch

Permit Fee: \$30.00 *Appeal Fee:* N/A *Fines:* N/A

Total: \$30.00(paid)

THIS PERMIT MUST BE POSTED

Chevy Chase Village Building Permit Application

Permit Number: _____
Date of Application: 5-14-98

| | |
|--|----------------------------|
| Applicant Name: <u>Michael Pliskin</u> | |
| Address: <u>5419 Center St</u> | Phone: <u>301-277-6574</u> |
| | |
| Contractor: <u>San Goldman HVAC Inc</u> Phone: <u>236-9464 (301)</u> | |
| Contact Person: <u> </u> | MHI Lic. No. _____ |

Filing Requirements

- ☐ There is a \$30.00 filing fee for a Chevy Chase Village Building Permit.
- ☐ A recent house location survey showing all existing and proposed structures.
- ☐ Construction plans and specifications (if trees that are twenty-four (24) inches in circumference or larger measured four feet six inches (4'6") above ground level are at risk of being disturbed during the construction, they must be shown on the submittal plans.
- ☐ Copy of stamped, approved Montgomery County drawings (if required). These drawings will remain of file at Chevy Chase Village.
- ☐ Copy of Covenants (if required). At a minimum, Liber and Folio number from the property owner's Title Insurance, Schedule B.
- ☐ Completed Building Permit Application and payment of filing fees.

I hereby certify that I have the authority to make the foregoing application, that the application is correct, that I have read and understood all requirements and that the construction will conform to the regulations of the Building Code, the Montgomery County Zoning Code, the Village Tree Ordinance, and all applicable covenants on the above property.

Applicant's Signature: Michael Pliskin

Date: 5-14-98

For use by HPC only:

Historic Area Work Permit required?

Yes ☐

No ☒

Exact Description of Construction Plans:

to front of house NE corner, 7 ft from
site property line and behind existing front porch
AC unit

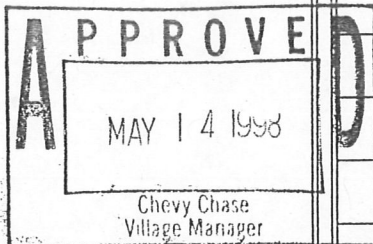
☐ Check here if the construction will require the demolition of over fifty (50) percent of any existing structure.

Responsible Party:

Will the residence be occupied during the construction project?

If no, please provide the name, address, business and after-hours phone number for the project manager or the party responsible for the construction site.

Stamp



Approved with the Following Conditions:

Denied for the following reasons:

Filing Fees:

Permit Fee:

\$30

Damage Deposit:

Appeal Fee:

Total Fees and Deposits:

\$30

Checks Payable to: Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, Maryland 20815

Date: 5-15-98

Staff Signature:

SSBoward

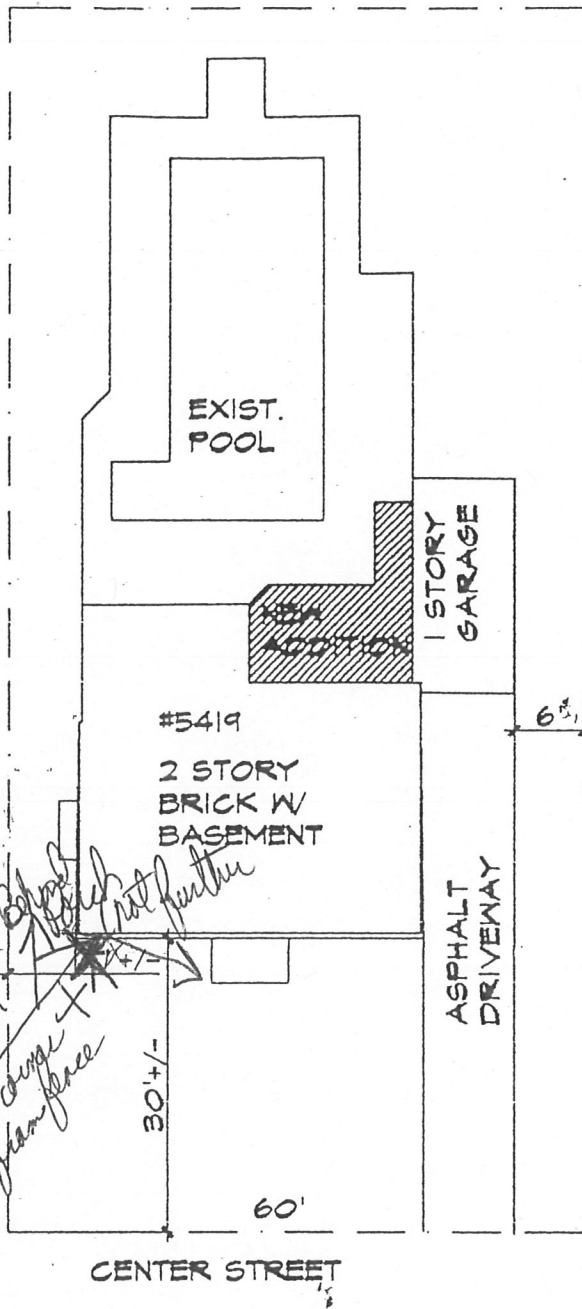
150 ROOM 20' x 10' x 10'
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nd Two Family Dwelling
 Rev No 92.4

2007 N.W. 1/4
 2007 N.W. 1/4
 2007 N.W. 1/4

3/4/96
 207N.W. 1/4

rior work



SITE PLAN SCALE 1"=20'-0"

LOT 22 BLOCK 7
 SECTION 1-A
 CHEVY CHASE
 MONTGOMERY COUNTY, MARYLAND
 PLAT BOOK 4 PLAT 349

ADDITION TO PLISKIN RESIDENCE

SITE PLAN DEMOLITION PLANS

| | |
|---------|--------------|
| JOB NO | • |
| DRAWN | • AH |
| CHECKED | • RDG |
| SCALE | • 1/4"=1'-0" |
| DATE | • 2/25/96 |
| SHEET | |

Letters of Support Received From
Abutting Neighbors

Mr. Paul & Ms. Elizabeth Meyers
5414 Center Street

Mr. Seth A. Morgan
5417 Center Street

Ms. Peggy & Mr. Jay Treadwell
5420 Grove Street

Paul & Elizabeth Meyer
5414 Center Street
Chevy Chase, MD 20815

November 1, 2014

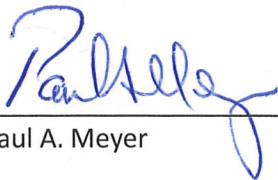
Chevy Chase Village Office
5906 Connecticut Avenue
Chevy Chase, MD 20815

Dear Madam / Sir:

We are writing in support of Ms. Elizabeth King and Mr. Stephen Jung to allow for the placement of an air conditioner in the front (northwest) yard of their property. From our house, we have a clear view of the King/Jung front yard and we have no objection to the proposed placement.

We would also like to note that the proposed location for the air conditioner pursuant to this variance was the original location of the air conditioner when the King/Jung's moved into their home. We had no issue whatsoever with the air conditioning unit when it was located in the front (northwest) yard of their property.

We would be happy to provide any additional information you may require.


Paul A. Meyer


Elizabeth C. Meyer

RECEIVED NOV 04 2014

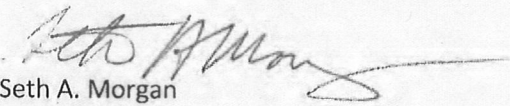
49

Chevy Chase Village
Board of Managers
5906 Connecticut Avenue
Chevy Chase, Maryland 20815

To Whom It May Concern:

As next door neighbors of the property at 5419 Center Street, Chevy Chase, Maryland 20815, my wife and I have no objections to relocation of the air conditioning unit to the front of the property in the location it has historically been located in over the recent past years.

Respectfully,


Seth A. Morgan
5417 Center Street
Chevy Chase, MD 20815

CCV Permitting

From: Margaret Treadwell [peggymcdt@gmail.com]
Sent: Sunday, November 02, 2014 10:23 PM
To: CCV Permitting
Cc: Jay Treadwell
Subject: 5419 Center Street

To : Ellen Sands
From: Peggy and Jay Treadwell

We do not object to the air conditioner at 5419 Center Street located in the front of the house.

Margaret (Peggy) Treadwell, L.I.C.S.W.
peggymcdt@gmail.com
5420 Grove Street
Chevy Chase, MD 20815
(301) 654-4126

Chevy Chase Village

Website Posting Notice for Appeal, Special Permit & Variance Hearings

Case Number: AA-6634

Hearing Date:

By signing below, I acknowledge as the applicant/appellant in the above-referenced case number that all supporting information and documentation for my case will be posted on the Village's website at <www.chevychasevillagemd.gov> for review by the general public.

Applicant/Appellant Name: ELIZABETH KING

Address: 5419 Center St.

Telephone: 301-907-9578

E-mail: JUNG-KING-FAMILY@YAHOO.COM

Applicant/Appellant Signature: Elizabeth King

Agent Name for applicant/appellant (if necessary):

Telephone:

Address:

E-mail:

Signature of agent:

Village staff initials: GB

Date: 9/29/14